

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

NORMAN SNEED,	:	Case No. 1:09-cv-043
	:	
Plaintiff,	:	Judge S. Arthur Spiegel
	:	Magistrate Judge Timothy S. Black
vs.	:	
	:	
ERNIE MOORE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

Plaintiff is an inmate presently incarcerated at Mansfield Correctional Institution who brings this *pro se* action alleging that Defendants used excessive force while he was incarcerated at Lebanon Correctional Institution. The case is currently before the Court on Plaintiff's motion for sanctions (Doc. 15) and Defendants' responsive memorandum (Doc. 16).

In the motion for sanctions, Plaintiff appears to argue that Defendants should be sanctioned for their failure to properly respond to Plaintiff's request for admissions. (Doc. 15). Specifically, Plaintiff maintains that Defendants' responses to the requests for admissions are "vague and evasive, the Assistant Attorney General so much as denied that the Plaintiff was taken to the ground and injured (Broken Ankle)." (*Id.*) Additionally, Plaintiff claims that Defendants failed to respond to Plaintiff's requests for production of documents and interrogatories. (*Id.*)

With respect to the requests for admissions, the undersigned finds that the fact that Defendants denied using excessive force in their responses to Plaintiff's request for admissions is not a basis for sanctions. Given that this is an excessive use of force case, the parties are expected to disagree as to whether excessive force was actually used.

As to Defendants' responses to Plaintiff's document requests and interrogatories, to the extent that this Court construes Plaintiff's motion for sanctions as a motion to compel, Plaintiff has failed to supply specific facts regarding Defendants' failure to produce discovery and has failed to include a certification of good faith pursuant to Fed. R. Civ. P. 37(a)(1).

Accordingly, Plaintiff's motion for sanctions (Doc. 15) is **DENIED**.

IT IS SO ORDERED.

Date: October 26, 2009

s/ Timothy S. Black

Timothy S. Black
United States Magistrate Judge